

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Torghele, Claudio**  
 Serial No.: **10/040,950**

Filing Date: **January 7, 2002**

For: **PIZZA MAKING METHOD AND SYSTEM**

Confirmation No.: **5275**

Group Art Unit: **1761**

Examiner: **Becker, Drew E**

**EXPRESS MAIL LABEL NO: EV325724238US**  
**DATE OF DEPOSIT: January 13, 2005**

MS Issue Fee  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
 INDICATED IN THE NOTICE OF ALLOWANCE**

This is a Request for Reconsideration of the Patent Term Adjustment indicated in the Notice of Allowance issued October 14, 2004, and includes a "Statement of the Correct Patent Term Adjustment with Basis(es) Under 37 CFR § 1.702 for the Adjustment." (37 CFR § 1.705(b)(2)(i), (ii) & (iv)).

The issue fee is being paid as set forth in the papers attached hereto.

Any patent granted on this application (37 CFR §1.705(b)(2)(iii)):

is not subject to a terminal disclaimer.

is subject to a terminal disclaimer, and the expiration date specified in the terminal disclaimer is .

As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in § 1.704 (37 CFR § 1.705(b)(2)(iv)).

there were none (37 CFR § 1.705(b)(2)(iv)(B)).

these were as detailed in the following "Statement of the Correct Patent Term Adjustment with Basis(es) Under 37 CFR § 1.702 for the Adjustment." (37 CFR § 1.705(b)(2)(iv)(A)):

**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT:  
BASIS(ES) UNDER 37 CFR § 1.702 FOR THE ADJUSTMENT  
(37 CFR § 1.705(b)(2)(i), (ii), & (iv))**

**Correct Patent Term Adjustment**

The correct patent term adjustment indicated in the Notice of Allowance should be:  
**100 days**

**Basis of Calculation for Correction**

PTO Delay: **210 days**

Patent Application filed January 7, 2002  
Restriction Requirement issued October 3, 2003

Applicant Delay: **110 days (65 days + 45 days)**

**65 days**  
Notice of Missing Parts issued February 19, 2002  
Response received by PTO: July 23, 2002

**45 days**  
Non-final Office Action issued February 25, 2004  
Response received by PTO: July 9, 2004

**Error in PTO PAIR System**

The PTO PAIR system shows an incorrect applicant delay of 94 days in view of completion of application requirements (i.e., Response to Notice of Missing Parts) received in the PTO on July 23, 2002, and based upon a Notice of Missing Parts issued February 19, 2002. A copy of the Patent Term Adjustment History, as indicated in PAIR, is attached.

Applicant believes that the 94 day delay is incorrect, and submits that the delay should be 65 days. For responses to communications from the Patent Office (e.g., Notices to File Missing Parts, Notices to Comply, Restriction Requirements, Office Actions, etc.) only delays beyond a three month period should be subtracted from the term adjustment. Three months from the Notice of Missing Parts issue date of February 19, 2002 is May 19, 2002. Accordingly, applicant's delay period, from May 19, 2002 to July 23, 2002 (i.e., the day the Response was received by the Patent Office) is 65 days.

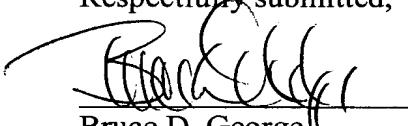
**Conclusion**

Applicant respectfully requests reconsideration and correction of the patent term adjustment from 71 (as noted in the Notice of Allowance issued October 14, 2004) to **100 days**: (i.e., **210 -65 -46 = 100**).

Fees

- A check in the amount of \$200.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of \$200.00. This sheet is attached in duplicate.
- The Commissioner is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment, now and during the pendency of this application, to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Respectfully submitted,



Bruce D. George  
Registration No. 43,631

Date: Jan. 13, 2005

Woodcock Washburn  
One Liberty Place - 46<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 568-3100



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## PATENT APPLICATION INFORMATION RETRIEVAL



### Patent Term Adjustment (PTA) for publication number: 10/040,950

			Days
Filing or 371(c) Date:	01-07-2002	USPTO Delay (PTO):	210
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	139
Post-Issue Petitions (days):	+0	Total PTA:	71
USPTO Adjustment (days):	+0	Explanation of Calculations	

#### Search Options

Continuity Data
Foreign Priority
Image File Wrapper
File History
Published Documents

### Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
10-14-2004	Mail Notice of Allowance		
10-14-2004	Mail Formal Drawings Required		
10-13-2004	Issue Revision Completed		
10-13-2004	Formal Drawings Required		
10-13-2004	Notice of Allowance Data Verification Completed		
10-13-2004	Case Docketed to Examiner in GAU		
10-13-2004	Notice of Allowability		
10-07-2004	Date Forwarded to Examiner		
09-30-2004	Amendment after Final Rejection		
08-09-2004	Mail Final Rejection (PTOL - 326)		
08-06-2004	Final Rejection		
07-27-2004	Date Forwarded to Examiner		
07-09-2004	Response after Non-Final Action		45
07-09-2004	Request for Extension of Time - Granted		▲
06-04-2002	Reference capture on IDS		▲
05-30-2003	Reference capture on IDS		▲
07-09-2004	Workflow incoming amendment IFW		▲
02-25-2004	Mail Non-Final Rejection		▲
02-09-2004	Non-Final Rejection		
12-18-2003	IFW Amended case processing Complete		
12-18-2003	petition fee paid		
12-18-2003	Date Forwarded to Examiner		
12-03-2003	Response to Election / Restriction Filed		

12-03-2003	Request for Extension of Time - Granted	
10-03-2003	Mail Restriction Requirement	210
09-30-2003	Requirement for Restriction / Election	↑
08-05-2003	IFW TSS Processing by Tech Center Complete	↑
05-30-2003	Information Disclosure Statement (IDS) Filed	↑
05-30-2003	Information Disclosure Statement (IDS) Filed	↑
05-03-2003	Correspondence Address Change	↑
10-03-2002	Case Docketed to Examiner in GAU	↑
09-03-2002	Application Dispatched from OIPE	↑
08-21-2002	Application Is Now Complete	↑ 94
07-23-2002	Payment of additional filing fee/Preexam	↑ ↑
07-23-2002	An assertion that the nature of the legal entities having property rights to the patent authorizes t	↑ ↑
07-23-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑ ↑
07-23-2002	Applicant has submitted new drawings to correct Corrected Papers problems	↑ ↑
02-19-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	↑ ↑
02-05-2002	IFW Scan & PACR Auto Security Review	↑
01-25-2002	IFW Scan & PACR Auto Security Review	↑
01-07-2002	Initial Exam Team nn	↑